

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

KOSS CORPORATION,  
*Plaintiff*,

-v-

APPLE INC.,  
*Defendant*.

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CIVIL NO. 6:20-CV-00665-ADA

**ORDER OF PARTIAL DISMISSAL**

Plaintiff Koss Corporation moves to dismiss its second cause of action for infringement of U.S. Patent No. 10,298,451 (“‘451 Patent”) without prejudice because the PTAB issued a final written decision concluding that the asserted claims of the ‘451 Patent are unpatentable. ECF No. 252. Defendant Apple Inc. filed a statement that it does not oppose the “dismissal of Koss’s Second Cause of Action and Apple’s corresponding counterclaim for non-infringement of the ‘451 Patent.” ECF No. 268.

Accordingly, it is hereby **ORDERED** that Koss’s Second Cause of Action and Apple’s corresponding counterclaim for non-infringement of the ‘451 Patent are hereby **DISMISSED** without prejudice.

Each side shall bear their own fees and costs. Koss Corporation timely sought to dismiss its claim to simplify the issues for trial after the PTAB issued its final written decision. Should Koss Corporation unsuccessfully relitigate the ‘451 Patent against Apple in the future, the Court shall be strongly inclined to award costs and attorney’s fees to Apple.

SIGNED this 6th day of July, 2022.

  
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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE